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FEE TRANSMITTAL For FY 2005

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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Application Number	09/725,325
TOTAL AMOUNT OF PAYMENT (\$) \$500.00	Filing Date	November 28, 2000
	First Named Inventor	Wilkins, David
	Examiner Name	
	Art Unit	
	Attorney Docket No.	11086.000812

METHOD OF PAYMENT (check all that apply)

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☒ Deposit Account Deposit Account Number: 03-3875 Deposit Account Name: Harter, Secrest & Emery LLP

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	Fee (\$)	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
		Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100		
Design	200	100	100	50	130	65		
Plant	200	100	300	150	160	80		
Reissue	300	150	500	250	600	300		
Provisional	200	100	0	0	0	0		

2. EXCESS CLAIM FEES

E. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
		50 =				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
		200 =				
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief P-120 \$500.00

SUBMITTED BY

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Name (Print/Type)	Stephen B. Salai	Date	November 28, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Docket 86949TJS
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

David C. Wilkins, et al

VIDEO-EDITING WORKFLOW
METHODS AND APPARATUS
THEREOF

Serial No. 09/725,325

Filed 28 November 2000

Group Art Unit: 2615
Confirmation No. 5887
Examiner: Huy Thanh Nguyen

**I hereby certify that this
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APPEAL BRIEF PURSUANT TO 37 C.F.R. 1.192

12/01/2005 RFEKADU1 00000004 033875 09725325

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Table Of Contents

<u>Table Of Contents</u>	i
<u>Real Party In Interest</u>	1
<u>Related Appeals And Interferences</u>	1
<u>Status Of The Claims</u>	1
<u>Status Of Amendments</u>	1
<u>Summary Of The Invention</u>	1
<u>Issues For Review By The Board</u>	2
<u>Grouping Of Claims</u>	2
<u>Arguments</u>	3
<u>The Rejection</u>	3
<u>Summary</u>	6
<u>Conclusion</u>	6
<u>Appendix I - Claims on Appeal</u>	7

APPELLANT'S BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 1-16 which was contained in the Office Action mailed July 1, 2005.

A timely Notice of Appeal was filed September 26, 2005.

Real Party In Interest

As indicated above in the caption of the Brief, the Eastman Chemical Company is the real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Appendix I provides a clean, double-spaced copy of the claims on appeal.

Status Of Amendments

There are no un-entered Amendments.

Summary Of The Invention

The invention relates to a method and a system for processing a stored videostream.

In accordance with the method, a stored videostream is analyzed to determine if it is a digital videostream FIG 8 (802, 804, pg 41, lines 14-19). A low resolution videostream based on the stored videostream is created (808) and optionally a higher resolution videostream is also created (810, 812, pg 41, lines 20-22). The low resolution videostream is stored on a digital storage medium (814, pg 41, lines 22-23) where it can be accessed by a user (816). The user accesses the low resolution digital

videostream and makes edits as desired (816, pg. 42, lines 1-3) and the edits are stored in an edit list (818, pg. 42, lines 4-5).

The edit list is subsequently accessed by a video processor (820, pg. 42, lines 5-7) and edited high resolution videostream is created (822, 824, 826, 828, pg. 42, lines 5-14) and the edited high resolution videostream is stored on a selected digital storage medium (830, pg. 42, lines 15-18).

In accordance with the system for processing a stored videostream, a digital image processing system (FIG 1) is provided. The videostream may be a stored digital videostream (204) or analog (206) source (pg. 22, lines 2-4). A first means (209) determines if the stored video is digital and a second means (212) creates a low-resolution videostream based on the stored digital videostream. A third means (522, FIG 5), stores the low resolution digital videostream in a digital storage medium and a fourth means (212, FIG 1, FIG 5) edits the stored low resolution digital videostream and creates an associated edit list based on the edit. The fifth means (212) also creates a resultant image (pg. 23, lines 3-13). A sixth means (214) coupled to the fifth means accesses the edit list and a seventh means (216) renders a high-resolution videostream based on the edit list. An eighth means (220) stores the rendered high-resolution videostream on a selected digital storage medium.

Issues For Review By The Board

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Our claims 1-2, 4-8, and 10-15 anticipated by Yokomizo et al (6,522,418);
2. Our claims 3, 9, and 16 unpatentable under 35 USC 103(a) over Yokomizo et al in view of Ueda (6,714,314);
3. Our claims 1-4, 8-11, and 15-16 are unpatentable under 35 USC 103(a) over Linzer et al (6,005,621) in view of Ando et al (6,353,702);

Grouping Of Claims

The following groups of claims stand or fall together;

1 – 9

10 – 16

Arguments

The First Rejection

Claims 1-2, 4-8 and 10-15 are rejected as anticipated by Yokomizo '418. It is the examiner's position that Yokomizo shows a system at FIGS 1, 5-7 and described at col. 5-6, line 22 for processing a stored videostream. It has been and remains applicant's position that Yokomizo teaches only the editing of still images, not video and not a videostream. In the present application, both still images and videostreams are mentioned but only videostreams are claimed. The application mentions photographs in the description of the prior art for example at page 4 beginning at line 20, and page 5 beginning at line 20. However, these are distinguished from video image processing mentioned for example at page 6, line 13. The distinction is made with unmistakable clarity at page 7, the only two paragraphs appearing thereon, where applicant refers specifically to high quality video output and video clips and in which the times mentioned are sensible only for video not for still images. The examiner has not suggested that Yokomizo shows editing a stored videostream but appears to simply ignore the distinction saying "it is noted that the imagestream (the examiner's words not Yokomizo's) disclosed by Yokomizo is considered as a videostream since the imagestream can be stored, edited and viewed by a monitor. Applicant respectively submits that the examiner makes this distinction with no support and does not offer any prior art which shows the equivalence of still images and videostreams. Moreover, the differences at least insofar as editing is concerned, are well known. Different editing programs are used for editing video as opposed to still images, the requirements for band width are greatly different and the techniques used for one have not been shown to be equivalent to the techniques used for the other. Yokomizo does not teach a system for editing a stored videostream.

The examiner points to col. 5, lines 20-30 and col 9, lines 15-20 of Yokomizo for showing a means for determining if a stored video is a digital videostream. First of all it bears recognizing that this step is important in applicant's invention, as described in some detail in connection with FIG. 8 at col. 41, lines 14 *et seq.* A customer may drop off a video tape and in either digital or analog format to a video processor or merchant. Since both analog and video tapes are well known the step of determining whether the tape is analog or video is necessary for the further processing. In Yokomizo it appears from the sections pointed to by the examiner that, as described at col. 5, lines 24 *et seq.* a user has brought film to a dealer branch

shop. The dealer branch shop develops the film and scans the same to form a digitized image. There is no need in Yokomizo for determining the type of image since the shop actually creates the image. The same process is described at col. 9, lines 15-20 which states "when digitizing the photographic image developed on the film brought by the user 7...clearly indicating that only digital images are contemplated.

Yokomizo indeed describes generating a low resolution proxy image for display. However, applicant does not agree that Yokomizo shows or suggests creating a low resolution videostream, Yokomizo is limited to still images.

Applicant agrees that Yokomizo's editorial information is substantially the same as applicant's edit list and that Yokomizo suggests editing a low resolution image and using the editorial information to edit the high resolution image for printing. Accordingly, applicant respectfully submits that Yokomizo is quite clearly missing a videostream and missing the step of determining whether a videostream is digital.

Applicant respectfully submits that these features, missing from Yokomizo, overcome the rejection of claims 1-2, 4-8, and 10-15. With regard to the step of determining if the stored video is a digital videostream, putting aside for the moment that there is no stored video in Yokomizo, the examiner points only to the description in Yokomizo appearing at col. 5, lines 5 and 20-30, which describes the steps of developing a photograph and scanning the photograph to form a digitized image. Applicant completely fails to see how this corresponds either to the step of determining whether a videostream is a digital videostream as set forth in claims 1-9 or the means for determining whether a stored videostream is a digital videostream in claims 10-16.

The Second Rejection

Claims 3, 9 and 16 are rejected as unpatentable over Yokomizo in view of Ueda '314. Applicant does not separately argue the patentability of these claims.

Claims 1-4, 8-11 and 15-16 are rejected as unpatentable over Linzer in view of Ando.

Applicant believes that the issue is well defined. The examiner acknowledges that Linzer et al do not show either the step or the means for determining if a stored videostream is a digital videostream or an analog videostream. Applicant not only

agrees with this but notes that nowhere in Linzer is there anything suggesting for dealing with anything other than a digital videostream. All of the compression algorithms mentioned by Linzer are digital algorithms and Linzer includes not a word about even the possibility of compressing an analog videostream. The question then becomes does Ando satisfy this omission and is there any reason for combining Ando with Linzer? The examiner points to FIG 19 of Ando and the description appearing at col. 23, lines 28-62. All that Ando describes is an analog to digital converter ADC 1552 which receives an external analog video signal and converts the analog video signal into digital data or which alternatively receives a digital video signal and a digital audio signal which passes through without conversion. Applicant respectfully submits that this is the opposite of the claimed invention. Ando appears to be automatic and has no determining step nor does it include any means for making a determination of whether a stored videostream is digital videostream. Ando simply applies both types of signals to an analog to digital converter which converts analog signals to digital and passes digital signals through without processing.

It might be tempting to presume, as it appears the examiner has presumed, that there must be something in Ando that makes the determination that applicants claim. With respect however this is not the test. Ando never mentions making the determination nor does he mention any apparatus or any other means for making the determination. What Ando does describe in col. 23 does not make a lot of sense. Ando says that when a digital video signal and a digital audio signal are input to ADC 1552 these signals pass through. This isn't the way that analog to digital converters normally work and applicant respectfully submits that if Ando is to be used as a reference teaching adaptive processing of analog and digital video signals, it falls short of doing so. At most, Ando proposes a method of treating analog and digital signals that is described only in terms of a result, includes no disclosure of a method or apparatus for accomplishing the result and therefore which is ineffective as a reference for teaching applicant's claimed limitations. In order to be effective as a reference, Ando must be enabling for the teaching relied upon and in this case, Ando clearly is not. He says not a word about how the determination suggested to be present by the examiner is made, not a word about the apparatus for making it or any suggestion that would lead one skilled in the art to provide applicant's invention without much more than is included in Ando itself.

Summary

For the foregoing reasons, applicant respectfully submits that the rejection is not well taken, that the prior art fails to teach that which the examiner ascribes to it and accordingly that the rejection should be reversed.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of Claims .

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. B. Salai', is written over a horizontal line.

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Enclosures

Appendix I - Claims on Appeal

In the claims:

1. A method of processing a stored videostream, comprising:
 - (a) determining if the stored videostream is a digital videostream;
 - (b) creating a low resolution videostream based upon the stored digital videostream;
 - (c) storing the low resolution digital videostream at a digital storage medium;
 - (d) editing the stored low resolution digital videostream;
 - (e) creating a resultant image and an associated edit list based upon the editing;
 - (f) accessing the edit list by a video processor;
 - (g) rendering a high resolution videostream by the video processor based upon the edit list; and
 - (h) storing the rendered high resolution videostream on a selected digital storage medium.
2. A method as recited in claim 1, further comprising:
 - if it is determined that the stored digital videostream is an analog videostream,
 - (i) converting the stored analog videostream to the digital videostream.
3. A method as recited in claim 1, wherein the digital storage medium is selected from a group comprising: a DVD, a digital video tape, a flash memory device, a hard drive.

4. A method as recited in claim 2, wherein the operations (a) – (c) and (i) are performed at a first node.

5. A method as recited in claim 4, wherein the low resolution videostream is transferred from the first node to a second node coupled thereto.

6. A method as recited in claim 5, wherein the operations (d) and (e) are performed at the second node.

7. A method as recited in claim 5, further comprising:
(j) transferring the edit list to the first node.

8. A method as recited in claim 7, wherein the operations (f) – (h) are performed at the first node.

9. A method as recited in claim 1, wherein the selected digital storage medium is selected from a group comprising: a DVD, a digital video tape, a flash memory device, a hard drive.

10. A system for processing a stored videostream, comprising:
a first means for determining if the stored video is a digital videostream;
a second means coupled to the first means for creating a low resolution videostream based upon the stored digital videostream;
a third means coupled to the second means for storing the low resolution digital videostream at a digital storage medium;
a fourth means coupled to the third means for editing the stored low resolution digital videostream;

a fifth means coupled to the fourth means for creating a resultant image and an associated edit list based upon the editing;

a sixth means coupled to the fifth means for accessing the edit list by a video processor;

a seventh means coupled to the sixth means for rendering a high resolution videostream by the video processor based upon the edit list; and

an eighth means coupled to the seventh means for storing the rendered high resolution videostream on a selected digital storage medium.

11. A system as recited in claim 10, wherein the first, second and third means are directly connected to a first node.

12. A system as recited in claim 11, further comprising a means for transferring the low resolution videostream from the first node to a second node coupled thereto.

13. A system as recited in claim 12, wherein the fourth and fifth means are connected to the second node.

14. A system as recited in claim 13, further comprising a means for transferring the edit list from the second node to the first node.

15. A system as recited in claim 14, wherein the sixth, seventh, and eighth means are connected to the first node.

16. A system as recited in claim 10, wherein the digital storage medium is selected from a group comprising: a DVD, a digital video tape, a flash memory device, a hard drive.